

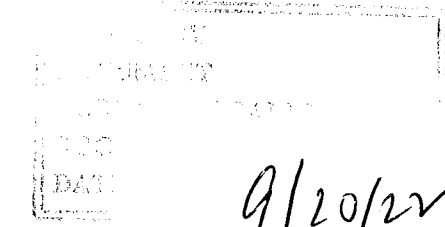
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOHN HECTOR,

Plaintiff,

v.

KATHLEEN HECTOR, JEANINE HECTOR,
EDWARD GUTHRIE, RAYMOND
JOHNSON, JOHN DOES 1-5,
Defendants.
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ORDER

22 CV 5990 (VB)

Plaintiff brings this action invoking subject matter jurisdiction by reason of diversity of citizenship under 28 U.S.C. § 1332(a)(1).

To invoke diversity jurisdiction under 28 U.S.C. § 1332, there must be complete diversity of citizenship. Caterpillar Inc. v. Lewis, 519 U.S. 61, 68 (1996). Thus, 28 U.S.C. § 1332 “applies only to cases in which the citizenship of each plaintiff is diverse from the citizenship of each defendant.” Id.; see also Lincoln Prop. Co. v. Roche, 546 U.S. 81, 89 (2005). Specifically, 28 U.S.C. § 1332(a)(1) applies when the dispute is between “citizens of different States.”

An individual’s citizenship is determined by domicile—“the place where a person has his true fixed home and principal establishment, and to which, whenever he is absent, he has the intention of returning.” Palazzo ex rel. Delmage v. Corio, 232 F.3d 38, 42 (2d Cir. 2000) (internal quotation marks omitted). “[R]esidence alone is insufficient to establish domicile for jurisdictional purposes.” Van Buskirk v. United Grp. of Cos., 935 F.3d 49, 54 (2d Cir. 2019).

Here, the complaint alleges plaintiff is a resident of California and defendants are residents of New York, but it does not allege any party’s citizenship.

Accordingly, by September 27, 2022, plaintiff shall submit a letter explaining in full detail both plaintiff’s and defendants’ citizenship.

Dated: September 20, 2022
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, which appears to read "Vincent Briccetti", is written over a horizontal line.

Vincent L. Briccetti
United States District Judge